

REMARKS/ARGUMENTS

Claims 1-5, 8, 10-14, 16-21, 23-26, 28, 34, and 35 are pending, of which Claims 17, 18, 24, 34, and 35 Appellant is proposing to currently amend to place the Application in better form for the Examiner's examination and consideration for allowance. Entry of the proposed amendments and reversal of the decision of the Board of Appeals with respect to the present application is thus respectfully requested.

A Notification of Non-Compliance with the Requirements of 37 CFR 1.192(c) dated January 25, 2005, has been received, in which it has been stated that Appellant must resolve 35 U.S.C. 112, second paragraph, issues. It is, however, unclear how Appellant should respond since 37 CFR 1.192 has been removed and reserved, effective September 13, 2004. However, notwithstanding said removal and reservation of 37 CFR 1.192, and in furtherance to a telephone conference conducted between Examiner Nguyen and Appellant's attorney on February 25, 2005, Appellant submits, first, that pursuant to common and well-known rules of English grammar and usage, if the expression "said steps", being in the plural, is not otherwise limited or there is not a compelling reason to otherwise limit it, which there is not, then "said steps" should be interpreted to be all-inclusive, *i.e.*, to include *all* steps.

Second, and even more significantly, it is noted that in Claim 10, the independent claim from which Claims 17, 34, and 35 all depend, the only occurrence of the term "steps" is in the preamble, the end of which recites, just before listing all of the steps of the claim, "comprising the steps of:". The *only* reasonable interpretation of that clause is that, unless indicated otherwise (which it does not), *all* the steps that follow necessarily constitute "the steps" of which Claim 10 comprises, which are the same steps referred to in the subject Claims 17, 34, and 35 as "said steps". Therefore, the term "said steps" of Claims 17, 33, and 34 necessarily implies *all* of the steps of Claim 10.

In light of the foregoing, it is submitted that Claims 17, 33, and 34 are not indefinite, and that the limitation "said steps" is not ambiguous. It is therefore respectfully requested that the rejection of Claims 17, 34, and 35 under 35 U.S.C. 112, second paragraph, be withdrawn.

While amendment of Claims 17, 33, and 34 is not believed necessary to overcome the rejection under 35 U.S.C. 112, second paragraph, in an effort to make explicit what is clearly implicit, as discussed above, Appellant requests that Claims 17, 34, and 35, be amended as indicated above to make clear that "said steps" as claimed should be understood as "all of said steps". For the reasons set forth above, there is clearly support for these amendments, and no new matter is added to the application as originally filed.

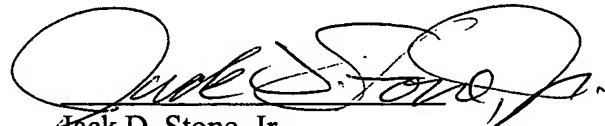
While the aforementioned Notification has not addressed objections set forth in the final Office action dated January 28, 2004, Appellant also proposes to amend Claims 18, 24, 34, and 35 as the Examiner has suggested in the final Office action to overcome objections raised in that action. Accordingly, Appellant respectfully requests that the objections set forth in the final Office action to Claims 18, 24, 34, and 35 be withdrawn as well.

Entry of the aforementioned proposed amendments and reversal of the decision by the Board of Appeals with respect to the present application is respectfully requested, so that the application may be passed to issue.

Should the Examiner or Board of Appeals have any questions or desire further clarification of any sort, or deem that any further amendment is desirable to place this application in condition for allowance, the Examiner is invited to telephone the undersigned at the number listed below.

Respectfully submitted,

Dated: February 25, 2005



Jack D. Stone, Jr.
Reg. No. 38,324

SCHEEF & STONE, L.L.P.
5956 Sherry Lane, Suite 1400
Dallas, Texas 75225
Telephone: (214) 706-4207
Fax: (214) 706-4242
jack.stone@scheefandstone.com